

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 109 - SB 252

February 13, 2021

SUMMARY OF BILL: Creates a presumption that a prisoner who reaches the release eligibility date (RED) for the prisoner's combined state sentences and has an active detainer commitment to serve a term of imprisonment in a foreign jurisdiction, is required to be granted parole in order to begin service of the term of imprisonment, if certain criteria are met.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures – \$721,400 Incarceration*

Assumptions:

- Based on information provided by the Department of Correction (DOC), there are 239 offenders currently in DOC custody with an average remaining sentence of 7.79 years that would be immediately eligible for parole with a detainer commitment under the proposed legislation.
- This analysis estimates 5 percent, or 12 ($239 \times 5\%$), of eligible offenders have outstanding sentence lengths exceeding 7.79 years and will be paroled with a detainer commitment to an outside jurisdiction.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- The proposed legislation will result in a decrease in state incarceration expenditures estimated to be \$2,747,192 [$\$80.46 \times (7.79 \times 365.25) \times 12$].
- Pursuant to Tenn. Code Ann. § 9-4-210, incarceration expenditures are estimated over the course of a 10 year period; therefore, the annualized decrease in expenditures resulting from the release of currently-eligible offenders is estimated to be \$274,719 ($\$2,747,192 / 10$).
- The average number of offenders that became eligible for parole with a detainer for commitment from a jurisdiction outside of Tennessee each year over the last three years is 42.7.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.80 percent per year for each of the past 10 years (from 2009 to 2019), yielding a projected compound population growth rate of 8.3 percent. Assuming Tennessee's population continues growing by the same rates over the next 10-year period, population growth will account for 3.5 ($42.7 \times 8.3\%$) additional admissions for a total of 46 ($42.7 + 3.5$).
- The average sentence remaining for such offenders was 6.07 years.

- This analysis estimates that offenders will earn behavioral or program credits and receive parole board consideration and be released at on average with 50 percent, or 3.04 (6.07 x 50%), of their sentence remaining.
- This analysis estimates 10 percent, or 5 (46 x 10%), eligible offenders have outstanding sentences exceeding 3.04 years and will paroled with a detainer commitment to an outside jurisdiction.
- Pursuant to Tenn. Code Ann. § 9-4-210, 5 offenders will serve 1,110.36 fewer days (3.04 x 365.25). The annualized decrease in state incarceration expenditures is estimated to be \$446,698 (\$80.46 x 1,110.36 x 5).
- The total annualized decrease in state incarceration expenditures resulting from the proposed legislation is estimated to exceed \$721,417 (\$274,719 + \$446,698).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Bojan Savic, Interim Executive Director

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